IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr Misc No 49054 of 2008
Sanjay Rajak, son of Jiblal Ram Rajak, resident of Village - Kadirganj, P S -(Kadirganj OP) Nawada, Dist - Nawada **- *Petitioner***

***Versus***

State of Bihar **- *Opposite party***

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***2*** ***04.12.2008*** The petitioner and one Umesh Gupta were apprehended while riding a motorcycle being in possession of counterfeit Rs 500/- notes. This led to registration of Laheri (Biharsharif) Police Station Case No 177 of 2006 on 03.12.2006. The two having been arrested, police then went to the house of the said Umesh Gupta whose father allegedly managed to escape but from the house of Umesh Gupta, various measuring and packing instruments for packing ***Ganja*** was found. Empty ***Ganja*** packets with several small packets of ***Ganja*** were also found. Though the physical recovery of ***Ganja*** was less than the commercial quantity, this led to institution of Nawada Town (Kadirganj Outpost) Police Station Case No 307 of 2006 registered under various sections of Narcotic Drugs and Psychotropic Substances Act. In view of this Court, these two cases, seem together, disclose an organized activity of dealing in counterfeit notes and on strength of such illegally got money in narcotics. The two make it a very serious offence because of which petitioner's bail application was dismissed by this Court on 21.05.2008 in Cr Misc no 12555 of 23008. Strangely, as it may appear, Umesh Gupta had already been granted bail by this Court without noticing the said fact. As such, those facts were brought to the notice of this Court pursuant whereto the bail granted to Umesh Gupta was cancelled and strangely enough granted

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immediately thereafter. Learned counsel for the petitioner submits that the motorcycle belongs to Umesh Gupta, the house in which ***Ganja*** was being kept belongs to Umesh Gupta who has been granted bail in both the cases. As such, petitioner, who was merely found on the motorcycle with Umesh Gupta, should not be denied the privilege of bail.

Having considered the matter, even though on the facts as noted above, I am unable to persuade myself to reconsider my order but considering that benefit of bail has been given to Umesh Gupta strangely enough, it would not be proper for this Court now to deny bail to the petitioner.

In the facts and circumstances of the case, the petitioner Sanjay Rajak is directed to be released on bail on his furnishing bonds of ***Rs 20,000/-*** (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Ist Additional Sessions Judge, Nawada in Special Case No 2 of 2006/1 of 2007 arising out of Nawada (Kadirganj) Police Station Case No 307 of 2006.

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***M.E.H.]*** **(Navaniti Prasad Singh)**